

#644

BILL NO. G-97-10-11

GENERAL ORDINANCE NO. G-13-97

AN ORDINANCE for the purpose of
vacating a dedicated utility easement.

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne, Indiana,
(as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana;
and

WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and
approved said petition, as provided in I.C. 36-7-3-12.

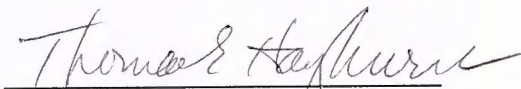
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of
Fort Wayne, Indiana, more specifically described as follows, to-wit:


Twenty-five (25) foot utility and surface drainage easement across the Block 5 and Block 6 common
property line in 14/69 Auto Mall, Section I, extending between but not including the drainage and
utility easements located on the West and East boundaries of Blocks 5 & 6.

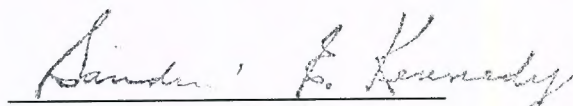
and which vacating allows the dedicated utility easement to revert to the ownership of the adjacent property
owners, is hereby approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and
all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULEY, CITY ATTORNEY


Sandra E. Kennedy, City Clerk

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

MAR 18 2022


AUDITOR OF ALLEN COUNTY

Read the first time in full and on motion by James,
and duly adopted, read the second time by title and referred to the Committee on
Regulations, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on Tuesday,
the 4th day of November, 19 97, at 5:20
o'clock 2 M., E.S.T.

DATED: 10-28-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst
and duly adopted, placed on its passage. PASSED
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY				<u>—</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 11-4-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)

(ZONING) ORDINANCE RESOLUTION NO. B-13-97

on the 4th day of November, 19 97

ATTEST: Sandra E. Kennedy SEAL Rebecca Parrie
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
5th day of November, 19 97,
at the hour of 10:20 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 6th day
of November, 19 97, at the hour of 1:45
o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. G-97-10-11

REPORT OF THE COMMITTEE ON REGULATIONS

REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXX for the purpose of
vacating a dedicated utility easement

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXXXXXXX UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXXXXXXX

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Thomas E Hayhurst

Nate A. B...

Richie...

Cecilia...

...

...

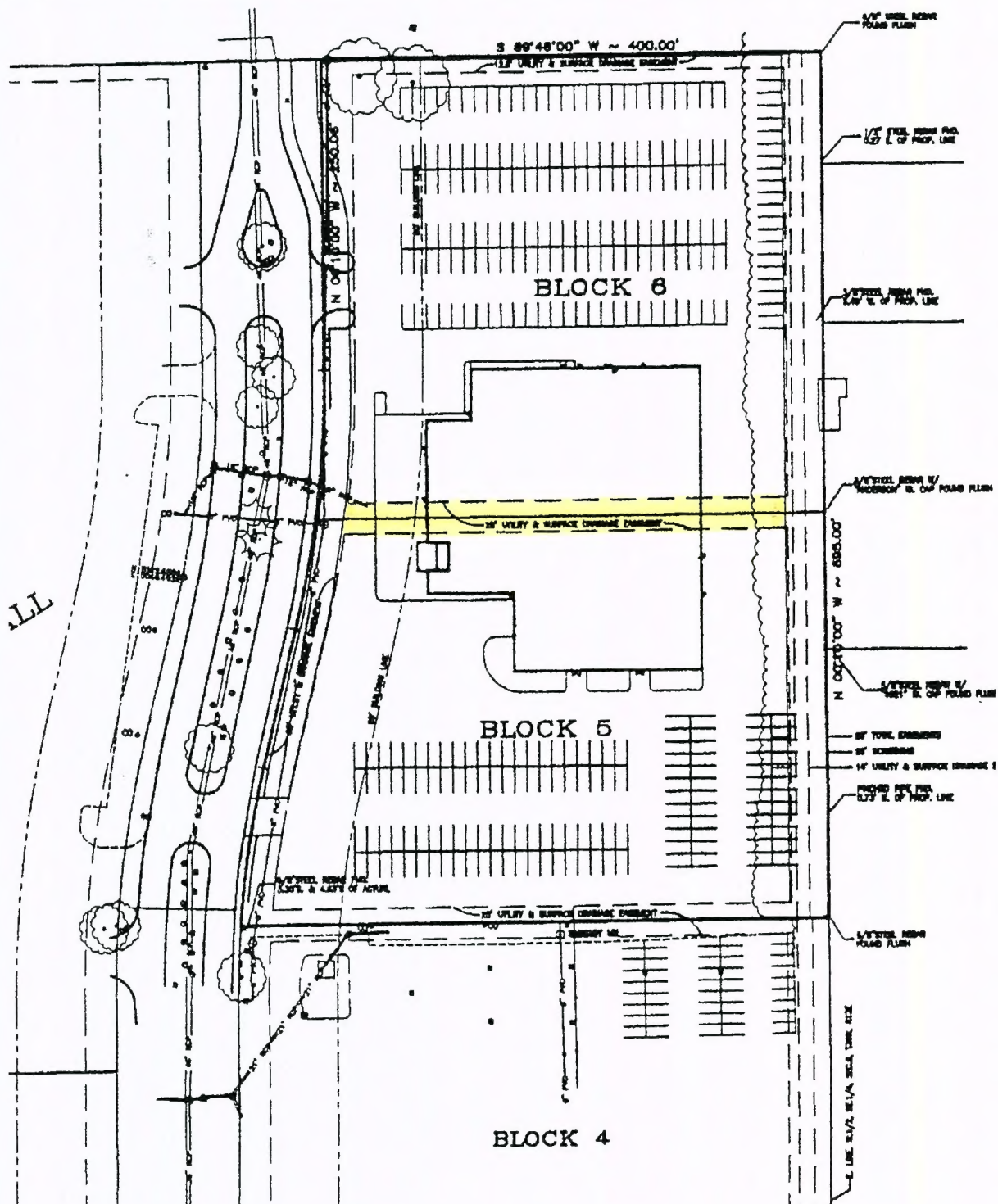
...

...

...

DATED: 11-27-97

Sandra E. Kennedy
City Clerk



ORIGINAL

ORIGINAL

#644

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Utility Easement - 25' utility & surface
drainage easement across Block 5 & 6 common p/l in 14/69 Auto Mall,
Sec I, extending between but not including the drainage & utility
easements located on the West & East boundaries of Blocks 5 & 6

J-57-10-11

EFFECT OF PASSAGE Property is currently a dedicated utility
easement. Property will be vacated and revert to the use of
the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility
easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

October 21, 1997

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of October 24, 1997, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. G-97-10-10
Alley Vacation

Bill No. G-97-10-11
Utility Easement Vacation

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-97-10-11)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, NOVEMBER 4, 1997, AT 5:30 O'CLOCK P.M., E.S.T. IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10 ||
14 || Twenty-five (25) foot utility and surface drainage easement across the Block 5 and Block 6 common
15 || property line in 14/69 Auto Mall, Section I, extending between but not including the drainage and
 || utility easements located on the West and East boundaries of Blocks 5 & 6.

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221 • FAX 219-427-1371

SANDRA E. KENNEDY, CITY CLERK

October 22, 1997

Kyle A. Witwer, President
3636 Adams Center Road
Fort Wayne, IN 46806

Dear Sir:

We are sending you this letter to let you know that the City of Fort Wayne Common Council will hold a public hearing on Tuesday, November 4, 1997, at 5:30 P.M. Common Council will hold the public hearing in the Common Council Conference Room 128, of the City-County Building. Room 128 is located on the first floor the City-County Building, on the Calhoun Street side of the building. The following request will be on the agenda for the public hearing.

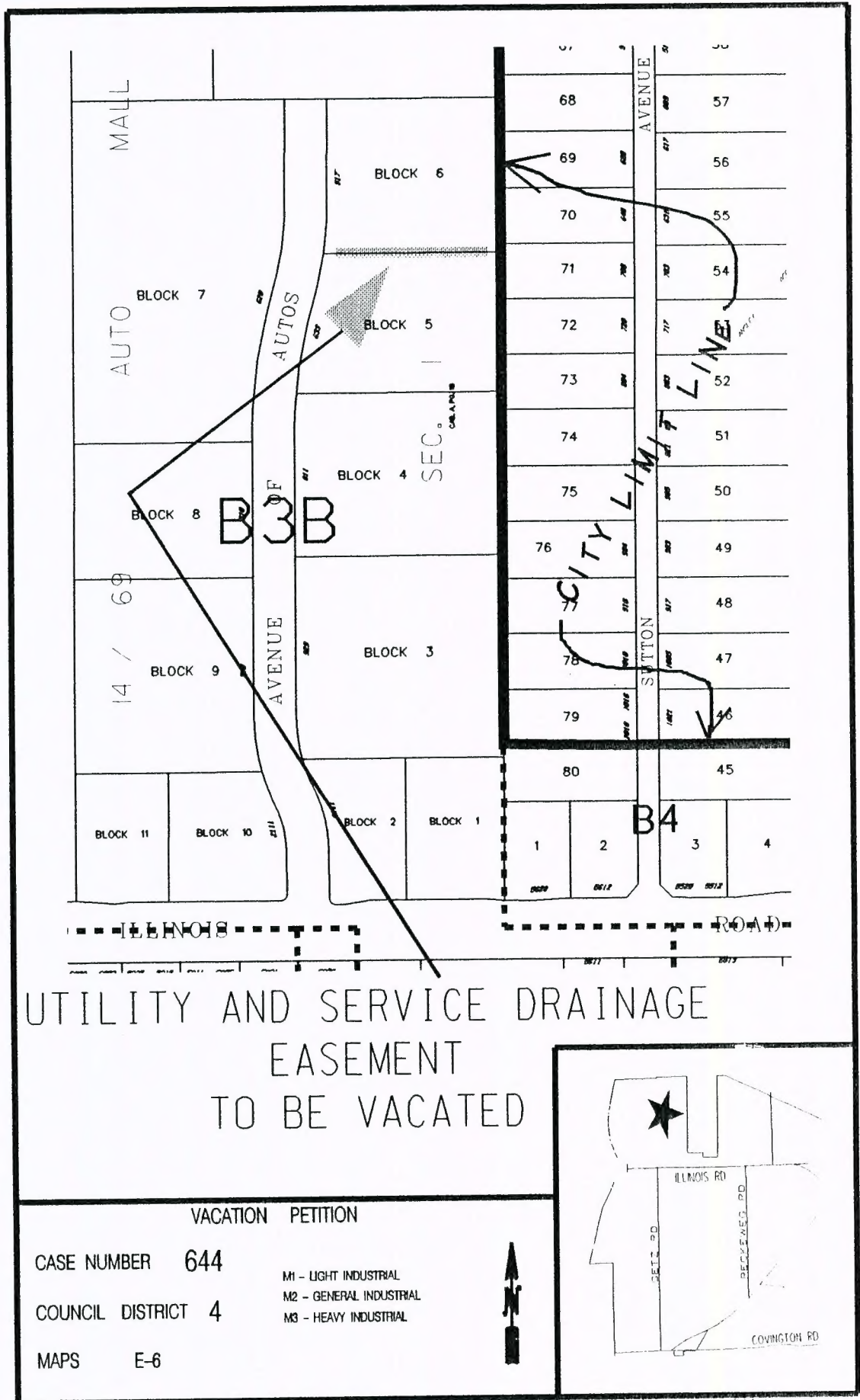
PROPOSAL: Utility Easement Vacation
APPLICANT: Tom Kelley
REQUEST: Utility Easement - 25' utility & surface drainage easement across Block 5 & 6 common p/1 in 14/69 Auto Mall, Sec I extending between but not including the drainage & utility easements located on the West & East boundaries of Blocks 5 & 6
REASON: Use of both Block 5 & 6 for one development which shall include improvements over the subject easement
LOCATION: 811 Avenue of Autos

We are sending you this notice because you own property which is adjacent to the property included in this vacation request. This public hearing is your opportunity to offer input on the request. If you have any questions about the public hearing, please call the City Clerk's office at 427-1208. If you any questions about the vacation request, please call the City Planning Department at 427-1129.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

VACATION





Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830
Fort Wayne, IN 46802 / (219) 427-1140

#644

I/We do hereby petition to vacate the following:

☐ Plat or portion of plat ☒ Easement ☐ Public Right-of-Way (street or alley)

More particularly described as follows:

Twenty-five (25) foot utility and service drainage easement across the Block 5 and Block 6 common property line in 14/69 Auto Mall, Section I, extending between but not including the drainage and utility easements located on the West and East boundaries of Blocks 5 and 6.

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

Use of both Block 5 and Block 6 for one development which shall include improvements over the subject easement.

(If additional space is needed please attach a separate page)

Property owner(s) name(s): Tom Kelley

Street Address: 811 Avenue of Autos

City: Fort Wayne State: IN Zip: 46804 Phone: 219-434-4700

(If additional space is needed please attach a separate page)

Applicants Name (if different from above): Tom Kelley & Witwer Construction, Inc.

Street Address: 3636 Adams Center Road

City: Fort Wayne State: IN Zip: 46806 Phone: 219-420-4113

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Signature

Tom Kelley

Printed Name

Date

10.13.97

811 Avenue of Autos

Address

Fort Wayne, IN 46804

City/state/zip

Signature

Kyle A. Witwer, President

Printed Name

Date

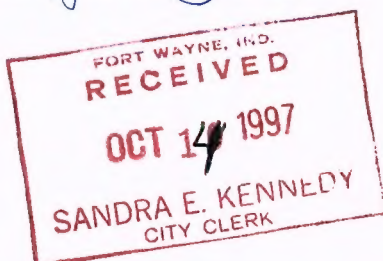
10.12.97

3636 Adams Center Road

Address

Fort Wayne, IN 46806

City/state/zip



Agents Name (Please print legibly): Peter G. Mallers or G. William Fishing
Beers Mallers Backs & Salin
Street Address: 110 W. Berry Street, Suite 1100
City: Fort Wayne State: IN Zip: 46802 Phone: (219) 426-9706

NOTICE:

- Legal description is to be of the area to be vacated and must be complete and correct. If necessary a licensed surveyor's legal description may be required.
- All adjacent property owner's signatures must accompany this application.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicants may be required to bear the cost of relocation, or of providing a replacement easement or easements as needed.
- Applicant is also hereby informed that the vacation of a subdivision plat does not necessarily vacate any dedicated right-of-way(s) or utility easement(s), nor any restrictive covenants that may apply.

For Office Use Only:

Receipt #:	Date Filed:
Map #:	Reference #:

03/18/2022 3:03:36 PM
CITY OF FT WAYNE CLERKS OFFICE
0.00
NICOLEK

TRANSACTION # 4553094
DOCUMENT # 2022015488

ORDINANCE

RECORDING FEES: 0.00
TOTAL: 0.00
CASH: 0.00

THANK YOU

ANITA MATHER
RECORDER
ALLEN COUNTY, IN

P 304 164 526

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
TOM KELLEY	
Street & Number	
811 AVENUE OF AUTOS	
Post Office, State, & ZIP Code	
FORT WAYNE, IN 46804	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

P 304 164 531

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Kyle A. Witwer

Street & Number

3636 ADAMS CENTER ROAD

Post Office, State, & ZIP Code

FORT WAYNE, IN 46806

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

\$

Postmark or Date

PS Form 3800, April 1995

Is your **RETURN ADDRESS** completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**KYLE A. WITWER, PRESIDENT
3636 ADAMS CENTER ROAD
FORT WAYNE, IN 46806**

4a. Article Number

P 304 164 531

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10-23-92

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Michelle Paenen

PS Form **3811**, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

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2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**TOM KELLEY
811 AVENUE OF AUTOS
FORT WAYNE, IN 46804**

4a. Article Number

P 304 164 526

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10-23-92 ~~86~~ 495

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

PS Form **3811**, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

03/18/2022 3:03:38 PM
CITY OF FT WAYNE CLERKS OFFICE
0.00
NICOLEK

TRANSACTION # 4553094
DOCUMENT # 2022015466

ORDINANCE

RECORDING FEES: 0.00
TOTAL: 0.00
CASH: 0.00

THANK YOU

ANITA MATHER
RECORDER
ALLEN COUNTY, IN

P 304 164 526

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
TOM KELLEY	
Street & Number	
811 AVENUE OF AUTOS	
Post Office, State, & ZIP Code	
FORT WAYNE, IN 46804	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
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PS Form 3800, April 1995

P 304 164 531

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Street & Number

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Post Office, State, & ZIP Code

FORT WAYNE, IN 46806

Postage

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Certified Fee

Special Delivery Fee

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PS Form 3800, April 1995

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3636 ADAMS CENTER ROAD
FORT WAYNE, IN 46806**

4a. Article Number

P 304 164 531

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10-23-92

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Michelle Paenen*

PS Form **3811**, December 1994

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P 304 164 526

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- | | |
|--|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
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| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

10-23-92 Bit 495

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

PS Form **3811**, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

FW COMMON COUNCIL
(Governmental Unit)

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

38 lines, 1 columns wide equals 38 equivalent lines
at .364 cents per line

\$ 13.83

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 14.83

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: OCT 24, 19 97

Title: Julie L Smith Clerk

PUBLISHER'S AFFIDAVIT

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-97-10-11)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, NOVEMBER 4, 1997, 5:30 O'CLOCK P.M., E.S.T., IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNCIL BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Twenty-five (25) foot utility and surface drainage easement across the Block 5 block 6 common property line in 14/69 Auto Mall, Section 1, extending between but not including the drainage and utility easements located on the West and East boundaries Blocks 5 & 6.

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (319) 427-1120, TTY (319) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK
#624152

0-24

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time 10-24-97, the dates of publication being as follows:

Subscribed and sworn to before me this 24th day of OCT, 19 97.

Mary L Schneider
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 2001

My commission expires:

FW COMMON COUNCIL
(Governmental Unit)

ALLEN County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

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TOTAL AMOUNT OF CLAIM \$ 14.83

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Date: OCT 24, 19 97 Title: Julie L Smith Clerk

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State of Indiana)

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Allen County)

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SANDRA E. KENNEDY
CITY CLERK
#624152

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows: 10-24-97

Julie L Smith
Subscribed and sworn to before me this 24th day of OCT, 19 97.
Mary L Schneider
Notary Public
MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
My commission expires: MY COMMISSION EXP JUNE 14,2001